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as Interim President, Bakersfield College, et al.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA - BAKERSFIELD

DAYMON JOHNSON,

Plaintiff,

v.

STEVE WATKIN, in his official
capacity as Interim President, Bakersfield
College; RICHARD McCROW, in his
official capacity as Dean of Instruction,
Bakersfield College; THOMAS BURKE,
in his official capacity as Chancellor,
Kern Community College District;
SONYA CHRISTIAN, in her official
capacity as Chancellor, California
Community Colleges; ROMEO
AGBALOG, in his official capacity as
President, Kern Community College
District Board of Trustees; JOHN S.
CORKINS, in his official capacity as
Vice President, Kern Community
College District Board of Trustees; KAY
S. MEEK, in her official capacity as
Clerk, Kern Community College District
Board of Trustees; KYLE CARTER, in
his official capacity as Trustee, Kern
Community College District;
CHRISTINA SCRIVNER, in her official
capacity as Trustee, Kern Community
College District; NAN GOMEZ-
HEITZEBERG, in her official capacity

Case No.: 1:23-cv-00848 CDB

Complaint Filed: June 1, 2023
FAC Filed: July 6, 2023

**DECLARATION OF THOMAS BURKE IN
SUPPORT OF OPPOSITION TO MOTION
FOR PRELIMINARY INJUNCTION**

as Trustee, Kern Community College District; and YOVANI JIMENEZ, in his official capacity as Trustee, Kern Community College District,

Defendants.

DECLARATION OF THOMAS BURKE

I, Thomas Burke, declare and state as follows:

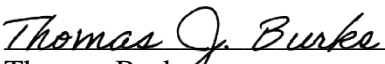
1. I am Interim Chancellor of the Kern Community College District (the “District”) and have held this position since May1, 2023. Prior to that time, I served as Chancellor of the District from 2017 to 2021. I have personal knowledge of the following facts and can testify competently thereto.

1. Daymon Johnson is a tenured faculty member in the Social Sciences Department at Bakersfield College, one of the colleges of the District. I have confirmed that there are currently no disciplinary proceedings pending against Professor Johnson, nor are there any complaints subject to investigation. There are no efforts or processes underway at the District to investigate him in response to complaints or to discipline Professor Johnson. He is an employee in good standing at the District.

2. In fact, Professor Johnson as a tenured faculty member has numerous protections in his employment at the District. He has the protection of the District's Academic Freedom Policy, which is Board Policy 4030. In addition, a labor organization represents and protects him in his employment at the District, and he possesses rights against improper discipline as articulated in a collective bargaining agreement governing his employment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this _10th_ day of August 2023 in Bakersfield, California.


Thomas Burke